

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

SAM SMITH

PLAINTIFF

VS.

CIVIL ACTION NO. 3:04CV1003S

**SUPERINTENDENT LAWRENCE KELLY,
MARQUETT WILLIAMS, DR. BLACKSTON**

DEFENDANTS

ORDER

This matter came before the court on a review of the docket, which revealed that no activity has occurred since the Report to the Court sent by the Defendants on November 18, 2005. In that Report, the Defendants stated that the Plaintiff was scheduled for eye surgery. There has been no further notice from the Defendants as to the Plaintiff's status. In the interest of fairness to the Plaintiff, the court is of the opinion that it should conduct a review of the Plaintiff's medical files, as of this date, to determine whether there is any possibility that he could succeed in his claims against the Defendants. If it appears from that review that a possibility exists, this matter will be set for an evidentiary hearing or other appropriate proceeding forthwith. If it appears from that review that there is no possibility of recovery, then a judgment should be entered in favor of the Defendants.

IT IS, THEREFORE, ORDERED that the Defendants produce to the court a copy of the Plaintiff's medical records, from January, 2005, to the present, on or before November 1, 2006.

IT IS SO ORDERED, this the 29th day of September, 2006

S/James C. Sumner

UNITED STATES MAGISTRATE JUDGE